

WATER COUNCIL MEETING

NH Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

March 8, 2017
9:00 a.m.

Members present: Chairman Gilbert, Councilors: Boisvert, Gegas, Hardy, Henderson, O'Brien and Tremblay

Members absent: Councilors: Beaurivage, Butler, Clark, Hinds, Joubert, and Rawnsley

Also present were Carolyn Guerdet, Council Clerk and Peter Demas, Legal Unit

Chairman Gilbert called the meeting to order at 9:03 a.m.

1. Approval of Minutes of the February 8, 2017 Meeting

- ***Councilor Tremblay made a motion to approve the January 11, 2017 minutes, second by Councilor Hardy. Motion passed unanimously with Dave and Chris abstaining.***

2. Status of Appeals

Paula Scott, presented an update on the following appeals:

I. New Appeals

II. Decision and Orders that need to be written finalized and issued.

Docket No. 16-23 WC – City of Rochester, NH Appeal

Subject: 12/19/16 Notice of Violation for PWS#2001010

Hearing Officer: Not assigned

Status: December 23, 2016 received Notice of Appeal. January 4, 2017 issued receipt of Appeal letter. Council to determine whether the Appeal is within the Council's jurisdiction. 1/11/17 Council voted to table Appeal for their attorney's opinion on jurisdiction. Council to determine whether Appeal is within the Council's jurisdiction at today's meeting. It also appears that the Appeal is insufficient.

- ***Councilor O'Brien made a motion to not accept the appeal as it is not within Council's jurisdiction, second by Counselor Boisvert. Motion passed unanimously.***

III. Hearings or PHCs Pending

Docket No. 16-10 WC (PNA) – Town of Lincoln Appeal

Re: 5/20/16 Administrative Order No. 16-012 WD

Hearing Officer: David Conley assigned on 7/18/16

Status: June 17, 2016 received Notice of Appeal. 6/20/16 issued receipt of Appeal letter. Council accepted the appeal at their July 13, 2016 meeting. 7/13/16 issued Appeal accepted letter. 7/29/16 received Appearance from Attorney General. December 14, 2016 issued Notice of Pre-Hearing Conference scheduled for January 23, 2017 at 11:30 a.m. PHC was held on 1/23/17 with a 2nd PHC scheduled for April 10, 2017 at 9 a.m.

Docket No. 16-16 WC Suzanne Fournier, et al. Appeal

Re: 08/22/16 approval of Alteration of Terrain Permit No. AoT-1149 issued to the Town of Milford

Hearing Officer: David Conley assigned on 11/17/16

Recused: Councilor Henderson

Status: September 8, 2016 received Notice of Appeal. October 10, 2016 receipt of Appeal letter. Council accepted the Appeal at their November 9, 2016 meeting. November 9, 2016 issued Appeal accepted letter. December 12, 2016 issued Notice of Pre-hearing Conference scheduled for January 23, 2017 at 10:30 a.m. 1/17/17 received Motion to Intervene from the Town of Milford. 1/23/17 PHC was held, Town of Milford's Motion to Intervene was granted and a hearing was scheduled for April 12, 2017 at 9 a.m.

Docket No. 16-19 WC Patricia Rodrigues and John Corduff Appeal

Re: 8/31/16 approval of after-the-fact Alteration of Terrain Permit No. AoT-1154 issued to Gretchen Fowler, Trustee of the George R. Graves Revocable Trust

Hearing Officer: Has not been assigned

Status: October 3, 2016 received Notice of Appeal. 10/10/16 issued receipt of Appeal letter. Appeal initially appeared to be untimely. Based on information subsequently received, Appeal may be timely. At the November 9, 2016, meeting, Council to decide if Appeal is timely or untimely. If the Council determines that the Appeal was timely filed, it is likely that an Insufficient Appeal letter will have to be sent. A motion was made and passed to consider the Appeal timely filed on November 9, 2016. 11/9/16 issued insufficient Appeal letter. December 9, 2016 received revised Appeal. 12/21/16 issued receipt of revised Appeal letter. Council to accept or decline Appeal at January 11, 2017 meeting. Council accepted the Appeal at the January 11, 2017 meeting. 1/11/17 issued Appeal accepted letter. 1/30/17 issued Notice of Pre-Hearing Conference scheduled for February 22, 2017 at 10 a.m.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal**4. Old Business****a. Env-Wq900 Youth Camp Rules**

Debra Sonderegger

Councilor Clark had question regarding the start and close dates of the camp season and licensing.

3. New Business**a. Legislative Update**

Director Forbes distributed the updated 2017 Session Bill Tracking Matrix. Councilors reviewed the bills they have concerns with and discussion was held.

5. Next Meeting

April 12, 2017 at 8 a.m. with the Suzanne Fournier, et al. Appeal at 9 a.m.

6. Adjournment

- ***Councilor Henderson made a motion for adjournment, second by Councilor Tremblay. Motion passed unanimously.***

Meeting adjourned at 10:50 a.m.